

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
RYAN WHITEOAK,	:	VIOLATIONS:
a/k/a “Derick,”	:	21 U.S.C. § 846 (conspiracy to distribute
BRIAN CALLAHAN,	:	more than 100 kilograms of marijuana – 1
a/k/a “Bobby,”	:	count)
DAVID ROSENBERG,	:	21 U.S.C. § 841(a)(1), (b)(1)(D) (possession
a/k/a “Petey,”	:	with intent to distribute less than 50 grams of
a/k/a “PDX,”	:	marijuana – 7 counts)
CHRISTIAN LYSAK,	:	18 U.S.C. § 2 (aiding and abetting - 7 counts)
a/k/a “Seth,”	:	Notice of forfeiture
AMY ILNICKI,	:	
a/k/a “Nadia,”	:	
LEAH MURRAY,	:	
a/k/a “Vivian,”	:	
BEN GAYDOS,	:	
a/k/a “Jim Patterson,”	:	
MICHAEL McCANN,	:	
a/k/a “Bruce,”	:	
BRIAN MARR,	:	
a/k/a “Lance,”	:	
JEFF CUELLAR,	:	
a/k/a “Ollie,”	:	
MICHAEL SANDERS,	:	
a/k/a “Tim,”	:	
STEVEN BREESE,	:	
a/k/a “Key”	:	

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. From at least on or about January 1, 1999, through on or about November 3, 2003, in Philadelphia, in the Eastern District of Pennsylvania, defendants

RYAN WHITEOAK,
a/k/a “Derick,”
BRIAN CALLAHAN,
a/k/a “Bobby,”
DAVID ROSENBERG,
a/k/a “Petey,”
a/k/a “PDX,”
CHRISTIAN LYSAK,
a/k/a “Seth,”
AMY ILNICKI,
a/k/a “Nadia,”
LEAH MURRAY,
a/k/a “Vivian,”
BEN GAYDOS,
a/k/a “Jim Patterson,”
MICHAEL McCANN,
a/k/a “Bruce,”
BRIAN MARR,
a/k/a “Lance,”
JEFF CUELLAR,
a/k/a “Ollie,”
MICHAEL SANDERS,
a/k/a “Tim,”
STEVEN BREESE,
a/k/a “Key,”

conspired and agreed, together and with others known and unknown to the grand jury, to knowingly and intentionally distribute more than 100 kilograms of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(B).

MANNER AND MEANS

It was part of the conspiracy that:

2. Defendant RYAN WHITEOAK organized, headed, and supplied members of the Whiteoak Marijuana Organization (“WMO”) with wholesale or bulk quantities of marijuana, which he purchased from suppliers in New York and other locations unknown to the

grand jury. After receiving the bulk quantities of marijuana, defendant WHITEOAK and others known and unknown to the grand jury distributed and delivered, aided and abetted, and caused the distribution and delivery of, plastic containers of retail amounts of marijuana to customers in Philadelphia for which the customers paid cash.

3. The WMO operated by using a pager service that allowed customers to page the WMO, input a PIN (personal identification number), and place orders for marijuana to be delivered to their residences.

4. After entering their assigned PIN, customers received a telephone call from either defendant AMY ILNICKI or defendant LEAH MURRAY, dispatchers for the WMO, and placed an order for marijuana. Shortly thereafter, a bicycle delivery person or courier appeared at the customer's residence with the marijuana and was paid in cash based on the amount of marijuana purchased.

5. Defendants DAVID ROSENBERG, CHRISTIAN LYSAK, and BRIAN CALLAHAN, and others known and unknown, managed the day-to-day business of the WMO by: recruiting, training, and paying bicycle delivery couriers to deliver marijuana to customers, collecting the cash proceeds of marijuana sales, supplying cellular telephones to the couriers to be used in furtherance of the marijuana delivery service, supervising and paying defendants AMY ILNICKI and LEAH MURRAY, and supplying the bicycle couriers with packaged marijuana for delivery and distribution to WMO customers.

6. The WMO delivered marijuana to customers roughly between 3:00 p.m. and 10:00 p.m., seven days a week, except for occasional holidays.

7. Defendants MICHAEL McCANN, BEN GAYDOS, BRIAN MARR,

JEFF CUELLAR, MICHAEL SANDERS, STEPHEN BREESE, and others known and unknown to the grand jury, worked for the WMO as bicycle couriers who delivered marijuana to customers' residences, collected the cash payments for the marijuana, delivered the proceeds to the managers of the WMO, and used cellular telephones to communicate with each other, the dispatchers, the managers, and defendant RYAN WHITEOAK.

8. All the defendants used street names or pseudonyms while communicating with each other over cellular or Nextel phones, and with customers.

9. Each of the members of the conspiracy received salaries and were paid in cash.

OVERT ACTS

In furtherance of the conspiracy, and to accomplish its object, defendants RYAN WHITEOAK, DAVID ROSENBERG, BRIAN CALLAHAN, CHRISTIAN LYSAK, AMY ILNICKI, LEAH MURRAY, MICHAEL McCANN, BEN GAYDOS, BRUCE MARR, JEFF QUELLER, MICHAEL SANDERS, STEPHEN BREESE, and others known and unknown to the grand jury, committed and caused to be committed the following overt acts in the Eastern District of Pennsylvania:

1. In or around January 1999, defendant RYAN WHITEOAK hired defendant BRIAN CALLAHAN as a courier to deliver marijuana for the WMO.

2. In or around the winter of 2001, defendant RYAN WHITEOAK promoted defendant BRIAN CALLAHAN to be a manager of the WMO.

3. On or about May 22, 2003, WMO dispatcher defendant LEAH MURRAY had a marijuana-related telephonic conversation with a person known to the grand jury.

4. On or about June 3, 2003, WMO dispatcher defendant AMY ILNICKI had a telephonic conversation with a person known to the grand jury and received an order for marijuana to be delivered by a WMO courier.

5. On or about June 3, 2003, defendant BEN GAYDOS delivered two plastic containers labeled "Purple Haze," and "Durga Mata," containing approximately five grams of marijuana to an undercover federal agent in exchange for \$100.

6. On or about June 10, 2003, WMO dispatcher defendant AMY ILNICKI had a telephonic conversation with a person known to the grand jury and received an order for marijuana to be delivered by a WMO courier.

7. On or about June 10, 2003, defendant STEPHEN BREESE delivered one plastic container labeled "Blueberry," containing approximately 3.5 grams of marijuana to an undercover federal agent in exchange for \$100.

8. On or about June 23, 2003, WMO dispatcher defendant AMY ILNICKI had a telephonic conversation with an undercover federal agent and received an order for marijuana to be delivered by a WMO courier.

9. On or about June 23, 2003, defendant JEFF CUELLAR delivered two plastic containers labeled "Green Tea Haze" and "Purple Haze," containing approximately 3.3 grams of marijuana to an undercover federal agent in exchange for \$100.

10. On or about July 10, 2003, WMO dispatcher defendant LEAH MURRAY had a telephonic conversation with an undercover federal agent and received an order for marijuana to be delivered by a WMO courier.

11. On or about July 10, 2003, defendant MICHAEL McCANN delivered two

plastic containers labeled “Mr. Nice,” containing approximately 3.2 grams of marijuana to an undercover federal agent in exchange for \$100.

12. On or about July 31, 2003, WMO dispatcher defendant LEAH MURRAY had a telephonic conversation with an undercover federal agent and received an order for marijuana to be delivered by a WMO courier.

13. On or about July 31, 2003, defendant BEN GAYDOS delivered two plastic containers labeled “Wonderberry” and “Electric haze,” containing approximately 3.4 grams of marijuana to an undercover federal agent in exchange for \$100.

14. On or about September 9, 2003, WMO dispatcher defendant AMY ILNICKI had a telephonic conversation with an undercover federal agent and received an order for marijuana to be delivered by a WMO courier.

15. On or about November 3, 2003, WMO dispatcher defendant LEAH MURRAY had a telephonic conversation with an undercover federal agent and received an order for marijuana to be delivered by a WMO courier.

16. On or about November 3, 2003, defendant MICHAEL McCANN possessed four plastic containers labeled “4-Way,” “Afgani,” and two labeled “Super Skunk,” containing approximately 6.8 grams of marijuana and approximately \$990 in cash.

17. On or about November 3, 2003, defendant MICHAEL McCANN had a telephonic conversation with defendant DAVID ROSENBERG in which the two agreed to meet at 8th and Spruce Street in Philadelphia for ROSENBERG to re-supply McCANN with additional marijuana to distribute.

18. On or about November 3, 2003, defendant DAVID ROSENBERG met

with defendant BEN GAYDOS in the vicinity of Juniper Street and Pine Street in Philadelphia, PA.

19. On or about November 3, 2003, defendant DAVID ROSENBERG possessed nine plastic containers, two labeled “Humbolt Co.,” two labeled “4-Way,” and five labeled “Miami Krypt” all containing marijuana and weighing approximately 15.7 grams and approximately \$1,100 in cash.

20. On or about November 4, 2003, inside defendant DAVID ROSENBERG’s residence on Hamilton Street in Philadelphia, he possessed \$8,133 in cash, a paging device, and drug paraphernalia.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 3, 2003, in Philadelphia, in the Eastern District of Pennsylvania,
defendant

**BEN GAYDOS,
a/k/a “Jim Patterson,”**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, less than 50 kilograms of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(D), and Title 18 United States Code, Section 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 10, 2003, in Philadelphia, in the Eastern District of
Pennsylvania, defendant

**STEPHEN BREESE,
a/k/a “Key,”**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the
possession with intent to distribute of, less than 50 kilograms of a mixture or substance
containing a detectable amount of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(D), and
Title 18 United States Code, Section 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 23, 2003, in Philadelphia, in the Eastern District of
Pennsylvania, defendant

**JEFF CUELLAR,
a/k/a “Ollie,”**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the
possession with intent to distribute of, less than 50 kilograms of a mixture or substance
containing a detectable amount of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(D), and
Title 18 United States Code, Section 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 10, 2003, in Philadelphia, in the Eastern District of
Pennsylvania, defendant

**MICHAEL McCANN,
a/k/a "Bruce,"**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the
possession with intent to distribute of, less than 50 kilograms of a mixture or substance
containing a detectable amount of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(D), and
Title 18 United States Code, Section 2.

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 31, 2003, in Philadelphia, in the Eastern District of
Pennsylvania, defendant

**BEN GAYDOS,
a/k/a “Jim Patterson,”**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the
possession with intent to distribute of, less than 50 kilograms of a mixture or substance
containing a detectable amount of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(D), and
Title 18 United States Code, Section 2.

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 3, 2003, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**MICHAEL McCANN,
a/k/a “Bruce,”**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, less than 50 kilograms of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(D), and Title 18 United States Code, Section 2.

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 3, 2003, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**DAVID ROSENBERG,
a/k/a “Petey,”
a/k/a “PDX,”**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, less than 50 kilograms of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(D), and Title 18 United States Code, Section 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Sections 846 and 841(a)(1), set forth in this indictment, defendants

**RYAN WHITEOAK,
a/k/a “Derick,”
BRIAN CALLAHAN,
a/k/a “Bobby,”
DAVID ROSENBERG,
a/k/a “Petey,”
a/k/a “PDX,”
CHRISTIAN LYSAK,
a/k/a “Seth,”
AMY ILNICKI,
a/k/a “Nadia,”
LEAH MURRAY,
a/k/a “Vivian,”
BEN GAYDOS,
a/k/a “Jim Patterson,”
MICHAEL McCANN,
a/k/a “Bruce,”
BRIAN MARR,
a/k/a “Lance,”
JEFF CUELLAR,
a/k/a “Ollie,”
MICHAEL SANDERS,
a/k/a “Tim,”
STEVEN BREESE,
a/k/a “Key,”**

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offense(s);

(b) any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offense(s), including, but not limited to, the

sum of \$8,702,400, and:

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant(s):

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant(s) up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney